

REMARKS

Claims 1-19 are pending in this application. By this Amendment, claim 19 is added. Claim 19 adds no new matter. Support for claim 19 can be found, for example, in Fig. 2 (see steps 18-24) and on page 4, lines 3-6, of the specification. Reconsideration of the application based on the following remarks is respectfully requested.

The Office Action rejects claims 1, 2, 4-7, 11-13 and 16-18 under 35 U.S.C. §103(a) over U.S. Patent No. 6,804,654 to Kobylevsky et al (hereinafter "Kobylevsky") in view of U.S. Patent Application Publication No. 2003/0097262 to Nelson. The Office Action rejects claims 3, 8, 10, 14 and 15 under 35 U.S.C. §103(a) over Kobylevsky in view of Nelson and further in view of U.S. Patent Application Publication No. 2002/0069355 to Garrison. These rejections are respectfully traversed.

Independent claim 1 recites, among other features, a mobile telephone for use by said remote worker to interrogate and update said store. Independent claim 5 recites, among other features, updating said information stored in said central store using said mobile telephone. The combination of Kobylevsky and Nelson cannot reasonably be considered to have suggested these features.

The Office Action asserts that Kobylevsky teaches the above-recited features of claims 1 and 5. Specifically, the Office Action asserts that Kobylevsky teaches a voice recognition system that updates information stored at a central location. The Office Action relies on col. 2, line 62 through col. 3, line 53 to support this assertion. This assertion is incorrect for the following reasons.

Kobylevsky, at col. 3, lines 50-53, merely discloses that a prescription service system 10 records the voice prescription information and stores the same for later retrieval and review by a doctor, pharmacist, or other medical personnel. In this regard, the system of Kobylevsky provides only a method whereby a medical personnel can review information

stored in a central location in order to confirm that the information was recorded properly prior to transmission of the information to a pharmacy. The system of Kobylevsky does not update the information stored in the central location. As such, Kobylevsky cannot reasonably be considered to teach, or to have suggested the above-recited features of claims 1 and 5. Nelson fails to remedy this shortfall of Kobylevsky.

Furthermore, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kobylevsky and Nelson in the manner asserted. The Office Action asserts that it would be obvious to “modify Kobylevsky to include the teaching of Nelson of where the telephone is a mobile telephone and in which said mobile telephone includes a text to speech (TTS) system...” This assertion is unreasonable for the following reasons.

First, one of ordinary skill in the art would not have been motivated to include a mobile telephone in the system of Kobylevsky. Specifically, Kobylevsky assumes that the party wishing to send prescription information via the unit 10 is part of a medical facility 30, such as a “doctor’s office, hospital”, etc. (see Fig. 1 and col. 3, lines 5-7). Such a “medical facility” invariably already has adequate communications facilities, e.g., landline telephones, computers, fax machines, high-speed data links, etc. Under these circumstances, one of ordinary skill in the art would recognize that the doctor, or other medical personnel, would simply make use of what is already there. In other words, the doctor, or other medical personnel would pick up the nearest telephone. In this regard, a doctor or other medical personnel would not have been motivated to bring their own mobile to call the unit 10.

Moreover, it should be noted that that this stands in contrast to disclosed embodiments in which a doctor visiting a patient accesses and updates the patient’s records stored in a central database. Under those circumstances, the doctor would normally be

unwilling to ask the patient if he could use the patient's own telephone facilities. Thus, the doctor would be motivated to use his or her own mobile telephone to contact the database.

Second, throughout Kobylevsky it is taught that the doctor will be communicating with the unit 10 through speech. Unit 10 contains a "voice capture device" 105 (see Fig. 2) that digitizes the speech signals and sends the digital data stream to the server 100, where it is converted into text. This text is then sent to the pharmacy 20 (see col. 6, lines 1-9). In view of this disclosure, it would not have been obvious to one of ordinary skill in that art to incorporate a TTS system in the medical facility 30, in a way which would yield signals to the unit 10 that were readily understandable by the unit 10. In other words, there is no reason to incorporate a TTS system into the system of Kobylevsky nor is objective evidence of such a reason shown. Furthermore, it is highly unlikely that the staff at the medical facility would allow their equipment to be interfered with in this manner.

For at least the above reasons, the combination of Kobylevsky and Nelson cannot reasonably be considered to have suggested the combination of all of the features positively recited in independent claims 1 and 5. Further, claims 2, 4 and 6, 7, 9, 11-13 and 16-18 also would not have been suggested by the combination of applied references for at least the respective dependence of these claims on an allowable base claim, as well as for the additional features each of these claims recites. Additionally, claims 3, 8, 10, 14 and 15 also would not have been suggested by the combination of Kobylevsky and Nelson, even in combination with Garrison, which is not applied in a manner that would overcome the shortfalls of Kobylevsky and Nelson to at least the subject matter of independent claims 1 and 5.

Accordingly, reconsideration and withdrawal of the rejections of the pending claims are respectfully requested.

New claim 19 recites, among other features, wherein the Text to Speech system is arranged to receive voice signals, to convert those voice signals into text, and to send said text to said central store, thereby to update said information in the central store. For reasons similar to those discussed above with respect to claims 1 and 5, the combination of Kobylevsky and Nelson, even in combination with Garrison, cannot reasonably be considered to have suggested this feature.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-19 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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